

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri Sanakkayala Devendra Pavan Kumar S/o Ganeswara Rao, Occ: Chemist, Dr. NTPPS-VTPS, Ibrahimpatnam, Vijayawada, R/o Quarter No. J-8-35, 'A' Colony, Dr. NTPPS - VTPS, Ibrahimpatnam, Krishna District, against the Proceedings Rc. No. C4/108/M/2010, dated 23.07.2011 of the Collector, Krishna District - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

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**SOCIAL WELFARE (CV2) DEPARTMENT**

**G.O.MS.NO. 23**

Dated: 21.06.2012.  
Read the following.

1. Proceedings of the District Collector, Krishna at Machilipatnam, Rc. No. C4/108/M/2010, dated 23.07.2011.
2. Appeal Petition filed by Sri Sanakkayala Devendra Pavan Kumar S/o Ganeswara Rao, Chemist, Dr. NTPPS-VTPS, Ibrahimpatnam, Vijayawada, R/o Quarter No. J-8-35, 'A' Colony, Dr. NTPPS-VTPS, Ibrahimpatnam, Krishna District before M (TW), No.235/M (TW)/2011, dt.02.08.2011.
3. Govt. Memo No.11272/CV.2/2011, SW(CV.2), dated 03.08.2011
4. Lr. from the District Collector, Krishna, (Machilipatnam), District, Rc.C4/108/M/2010, dt. 26.09.2011.
5. Govt. Memo No. 11272/CV.2/2011, SW (CV.2), dated 28.04.2012.

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**ORDER:**

In the reference 1<sup>st</sup> read above the District Collector, Krishna has issued orders canceling Scheduled Tribe Certificate obtained from the then Tahsildars, Nandigama and Kanchikacherla by Sri Sanakkayala Devendra Pavan Kumar S/o Ganeswara Rao, Occ: Chemist, Dr. NTPPS-VTPS, R/o Ibrahimpatnam, Vijayawada, Krishna District.

2. In the reference 2<sup>nd</sup> read above, Sri Sanakkayala Devendra Pavan Kumar has filed Appeal Petition before the Government against the orders of the District Collector, Krishna. After examining the said Appeal Petition Government have admitted the Appeal Petition and stay orders were issued on the Proceedings of the District Collector, Krishna and called for the parawise remarks and connected records from the District Collector, Krishna in the reference 3<sup>rd</sup> read above.

3. In the reference 4<sup>th</sup> read above, the District Collector, Krishna has furnished the parawise remarks and connected original records of Sri Sanakkayala Devendra Pavan Kumar.

4. The said Appeal Petition has been posted for hearing on 10.05.2012, the same has been informed to the appellant and requested him to attend the above hearing with all documentary evidences/ certificates in favour of his community claim, in the reference 5<sup>th</sup> read above. The appellant was present for the said hearing and explained his community status before the appellate authority.

5. Government has examined the records and Proceedings of the District Collector, Krishna dated. 23.07.2011, grounds and written arguments submitted by the Appellant and having considered the arguments of either side

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and documentary evidences and written arguments of the appellant on perusal of the record, it is observed that on the complaint made by Sarvasri M.Venkanna, Chemist in KTPS-V, Paloncha of Khammam District and N.Venkata Ramaiah, Chemist in Dr.NTTPS, Ibrahimpatnam against the Appellant that he has fraudulently got ST Konda Kapu Certificate and usurping the benefits meant for STs., and taking into consideration the reports of the Chief Vigilance Officer & Security, GENCO, Hyderabad, Commissioner of Tribal Welfare, TCR & TI, Hyderabad and the D.L.S.C., in the matter, the Collector, Krishna District has cancelled the Caste Certificate i.e. Konda Kapu (ST) issued by the then M.R.Os of Nandigama and Kanchikacherla in favour of the Appellant in his Proceedings dt.23.07.2011 for the reasons among others, that the ST Konda Kapu Certificates of the father of the Appellant Sri S. Gnaneswar Rao seems to be forged and the service particulars including Caste (ST Konda Kapu ) furnished by the Divisional Forest Officer, Guntur in respect of Sri S. Venkateswara Rao, Retd. Forest Guard, Grand father of the Appellant are not credible in the absence of original S.R. and that the School records (wherein his Caste is written as Konda Kapu ) of the Appellant and his father are not authenticated and relied upon and that no Konda Kapu families are inhabit in Krishna District. Also that as per the Rules in vogue as on 12<sup>th</sup> May, 1997, the Revenue Officers not below the Rank of R.D.O./Sub-Collector/Asst. Collector are Competent to issue the ST Caste Certificate, whereas the Appellant got the ST Certificates from the MRO level and that the Appellant or his family members does not know the habits and traditions of Konda Kapus and they never followed any ceremonial procedures of Konda Kapus.

6. It is also observed that the Appellant in his written arguments has contented that his grand father S.Venkateswara Rao, who was born on 17.09.1909 is native of Polavaram (V&M) of West Godavari District and that he joined in Forest Department as Forest Guard and in his S.R. the Caste was entered as Konda Kapu, in the year 1932 i.e., much prior to recognition of Konda Kapu as ST and therefore, there is no mollified intention, and, all of his family members have availed the benefit of ST in their studies and secured employment, however, one of his sister, though claimed ST status in school career did not claim ST benefit in M.Sc., Course, since she got married with a Kshatria person. He has also stated that the report of the R.D.O. Jangareddigudem of West Godavari District categorically says that S. Venkateswara Rao, Grand father of the Appellant lived in Polavaram, 70 years back and his family belong to Konda Kapu and also the reasoning of the DLSC that the Appellant is not aware of the customs and rituals of Kondakapus are not a proper one. In his written arguments again he has explained that he has obtained the ST Caste Certificate from the MRO Kanchikacherla in the year 1992 and got renewed during 1995 with MRO Nandigama, and for the purpose of confirmation at the time of appointment, the APSEB directed the Appellant to obtain Caste Certificate issued by the Revenue Officer not below the rank of MRO (latest by 6 months) vide letter No. DP/DS (P)/AS@/220-D1/98 dt.30.07.1998 and based on that again he has obtained Caste Certificate from the MRO, Nandigama, therefore, the contention that the ST Caste Certificate should be issued by the RDO but not MRO is not correct, since the new rules come into force from 1997. He has also stated that though the State Govt. in Circular Memo No. 706/Spl. B3/99-3 GA (Spl.B) Dept. dt. 28-10-1999 have communicated clear instructions of the Govt. of India that not to take any action on any anonymous/ pseudonymous petitions / complaints, the Collector, Krishna District, without adhering the said instructions and without giving validity to the reports of the RDO, Jangareddigudem and other mediators of the

native place of the Appellant's grand father has cancelled the ST Konda Kapu Certificate of the Appellant. The Appellant has also quoted the observations of the Hon'ble Supreme Court of India, which was held by the Hon'ble High Court of A.P. that when the father, grandfather, uncle and other siblings of a person have been certified as belonging to a particular caste, the same cannot be denied to this particular person. The Appellant has furnished a copy of the ST Konda Kapu Certificate issued by the Sub-Collector, Vijayawada, in favour of Ms. Sanakkayala Subhashini, D/o Sri S. Narayana Rao, brother of the Appellant's father.

7 Basing on the evidences produced by the Appellant before the Government and after hearing the arguments made by both the parties, it is observed that the appellant has obtained the Konda Kapu (ST) Caste Certificate from the M.R.O., Kanchikacherla in the year 1992 and got renewed during 1995 with MRO Nandigama, and for the purpose of confirmation at the time of appointment, the APSEB directed the Appellant to obtain Caste Certificate issued by the Revenue Officer not below the rank of MRO (latest by 6 months) vide letter No. DP/DS (P)/AS@/220-D1/98 dt.30.07.1998 and based on that again he has obtained Caste Certificate from the MRO, Nandigama, therefore, the contention that the ST Caste Certificate should be issued by the RDO but not MRO is not correct, the lower authorities have not taken into reliance the report of the Tahsildar, Polavaram and RDO, Jangareddigudem, which reveals the fact that Sri Sanakkayala Venkateswara Rao, Grand father of the Appellant hails from Polavaram and belong to Konda Kapu caste. The fact that the Sub-Collector, Vijayawada, has issued ST Konda Kapu Certificate in favour of Ms. Sanakkayala Subhashini, D/o Sri S. Narayana Rao, brother of the Appellant's father has also been ignored. The Rules for issuing Community, Nativity and Date of Birth Certificates have come into force with effect from 16-05-1997, as per which the RDOs/ Sub-Collectors/ Asst. Collectors are competent to issue Konda Kapu Caste Certificate, but in the instant case he has obtained caste certificate (ST) from the MRO Kanchikacherla in the year 1992 and got renewed during 1995 with MRO Nandigama, and for the purpose of confirmation at the time of appointment, the APSEB directed the Appellant to obtain Caste Certificate issued by the Revenue Officer not below the rank of MRO (latest by 6 months) vide letter No. DP/DS (P)/AS@/220-D1/98 dt.30.07.1998 and based on that again he has obtained Caste Certificate from the MRO, Nandigama, therefore, the contention that the ST Caste Certificate should be issued by the RDO but not MRO is not correct.

8. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No 16 of 1993), hereby allow the Appeal Petition filed by Sri Sanakkayala Devendra Pavan Kumar S/o Gnaneswara Rao, Occ: Chemist, Dr. NTPS-VTPS, R/o Ibrahimpatnam, Vijayawada, Krishna District and the Proceedings of the District Collector, Krishna issued in the Rc. No. C4/108/M/2010, dated 23.07.2011 is hereby set aside, by upholding the ST Konda Kapu Community Certificate issued by the Tahsildars, Nandigama and Kanchikacherla in favour of Sri Sanakkayala Devendra Pavan Kumar S/o Gnaneswara Rao, Occ: Chemist, Dr. NTPS-VTPS, R/o Ibrahimpatnam, Vijayawada, Krishna District.

9. The District Collector, Krishna shall take necessary action in the matter.

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10. The records (containing Rc. No. C4/108/M/2010, pages 01 to 629) received from District Collector, Krishna District, through reference 4<sup>th</sup> read above, are returned herewith in original to District Collector and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr. A.VIDYASAGAR  
PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To

The District Collector, Krishna (By RPAD) (with original records).

Sri Sanakkayala Devendra Pavan Kumar S/o Gnaneswara Rao,  
Occ:Chemist, Dr. NTTPS-VTPS, Ibrahimpatnam, Vijayavada, Krishna District.

Sri Ravi Kondaveeti, Advocate, Flat No. S-4, Siddhardha Villa Apts., Near Ramalayam  
& Post Office, New Nallakunmta, Hyderabad-500044.

**Copy to:**

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

The Chief General Manager (Adm.). APGENCO, Vidyut Soudha, Hyderabad.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

**// Forwarded:: By Order //**

**SECTION OFFICER.**